



USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

MONTHLY REPORT: JANUARY 2012

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USAID/MACEDONIA

JUDICIAL STRENGTHENING PROJECT

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I. START-UP ACTIVITIES

In January 2012, the second month of operation of the Judicial Strengthening Project (JSP), JSP staff continued the processes required for the start-up of the project and continued with operational and programmatic activities leading to the required results. As start-up activities segue into routine operations and the professional staff is hired, the programmatic tasks will become the major focus of subsequent reports. It is worth mentioning that the start-up activities have been virtually completed during this reporting period.

Project Office

Registration of the project was completed on December 29, 2011 and the JSP staff was able to finalize office plans and start on procurements for necessary office equipment and support. As reported in December, the office space was secured at street Kej 13-ti Noemvri br.14 apartments 2 and 3, 1000 Skopje, Macedonia. The landlords agreed to a number of improvements to accommodate the project's physical needs as well as network, server and other equipment. The work was completed in early January to the satisfaction of the chief of party (COP) and staff.

Since it was necessary to go through the procurement process for furniture, there was office space but no tables, desks or chairs. The project was able to borrow some furniture from a local restaurant. This gesture was great assistance in creating the office environment that allowed staff to start working together on project goals more quickly.

Selection of Permanent Staff

Nevenka Ivanovska was named Senior Legal Advisor and Deputy Chief of Party in the project proposal. USAID approved Ms. Ivanovska's salary on December 5, 2011; she was appointed as JSP consultant to register the project and to assist in developing job descriptions, scopes of work, office selection and to conduct preliminary work on programmatic issues. She was registered with the employment office on January 3, 2012 and took the position of Deputy Chief of Party (DCOP) and Senior Legal Advisor as approved in the USAID contract.

Prior to the COP's arrival Natasa Kostadinovska and Aleksandar Pavlovski were retained by Tt DPK as consultants to commence the process for registering the new project, finding office space, investigating hiring requirements with the project's outside attorney and assisting in the preparation of scopes of work and proposed contracts for the staff. The project posted a notice advertising the positions of Finance and Administrative Manager and IT and Logistics Coordinator, at the Unemployment Bureau. No other applicants applied for the positions and, after the legal waiting period, Ms. Kostadinovska and Mr. Pavlovski were selected for the positions respectively. The USAID Contracting Officer approved their salary rates and their employment became effective on January 9, 2012.

Job descriptions were created for two professional positions –Project Attorney and Court Administration Coordinator. The technical positions were posted in two newspapers on December 30 and applications for both positions were due on January 12. Thirteen applications were received. The COP and Senior Legal Advisor/DCOP screened the applicants and selected eight for interviews –six of whom applied for both positions. Structured interviews were conducted on January 19 (with the COR¹ as an observer). One applicant withdrew his application before the commencement of the structured interview and one was excluded since the applicant did not have English language skills, as required,

¹ In order to comply with recent amendments to the Federal Acquisition Regulations, USAID has changed the title of Contracting Officer Technical Representative (COTR) for Contracting Officer Representative (COR)

and the interview could not proceed. After the interview, the COP and DCOP determined that candidate Keti Businoska was clearly exceptionally qualified to occupy one of the positions. A short list of two applicants was developed for the remaining position. These finalists were given follow-up structured interviews on January 23 with a view toward selecting the most highly qualified person. Upon completion of the selection process and contacting references, Keti Businoska was selected as the Court Administration Coordinator and Emilija Tasava as the Project Attorney. On January 24, the successful candidates were notified. After their contracts were signed the unsuccessful candidates who were interviewed were notified by mail as advised by the project's outside attorney. Bio-data information was gathered and salary approval from USAID sought. It is expected that the candidates will start their work no later than February 10, 2012.

Procurement of Equipment and Supplies

During December, consultant Pavlovski prepared specifications and criteria for office furniture and equipment including printers, scanners, copiers, computer equipment, a server and network. After review by the HO and discussions with the COR, the procurement process moved ahead in January, on schedule, with the exception of the furniture which was delayed briefly since no bids were received on the first round of RFQ solicitation. That RFQ was sent again to seven potential bidders on January 3. Three bids were received on January 12.

Upon receiving responses to the RFQs for the equipment, server, computers, software and furniture, the COP and staff evaluated the bids and selected the most cost effective alternatives². Purchase Orders were signed and delivery and installation began in earnest during the week of January 23. By month end, all goods were satisfactorily delivered and installed.

In addition, Ms. Kostadinovska conducted market research to support contracts for transportation, office supplies and hotel services, insurance and annual medical examinations for Macedonian staff members. The contracts were signed with firms in each category.

II. PROGRAM RELATED ACTIVITIES AND TASKS

First Year Work Plan

As noted in the previous report for December, the COP along with DCOP Ivanovska and Jason Schwarz of the home office developed the draft First Year Work Plan for the project. The draft Work Plan focuses on the following results:

- Strengthening advocacy and citizen participation in judicial sector reform
- More independent, efficient and consistent application of judicial policies and practices
- Increased fairness and efficiency of the administration of justice through more efficient legal personnel and efficient processes

After consultation with the COR, some refinements were required and addressed in the Work Plan during this reporting period. Further review by the COR is expected shortly with a view towards finalization of the Work Plan early to mid-February.

² The lowest bidder for computer equipment and software was found to be lacking in ability to meet the requirements of the RFQ. The vendor also withdrew his monetary proposal due to the change of exchange rate, which is not permitted. As a result, the award was made to the second lowest bidder that met or exceeded all the requirements.

Performance Monitoring Plan

A draft Performance Monitoring Plan (PMP) was completed with the assistance of DCOP Ivanovska and the HO on December 30. Plans were made with the COR for review of the document during the week of January 2, 2012. A revised version has been submitted to the COR and further consultation will follow. It is anticipated that the PMP will be finalized during February 2012. The final PMP will define an ambitious 3-year plan with indicators to measure the results over the life of project. The suggested enhancements to the original PMP will help assure that the project goals of judicial reform and excellence and a more independent and efficient judiciary will be met.

Preparatory and Introductory Meetings

It is important to forge relationships with partners, counterparts and key decision and policy makers early in a project. Accordingly meetings were arranged with some of the top judicial actors. During the first reporting period –December 2011- it was reported that the COP and DCOP met with the Macedonian Judges Association (MJA), the Judicial Council of the Republic of Macedonia (JC) and the Academy for the Training of Judges and Prosecutors (JTA). These introductory meetings gave the project staff an opportunity to define the mission and goals of the project to potential partners and afforded the JSP a chance to ascertain the expectations of potential partners. Introductory meetings continued during January and included other international donors. It is important to coordinate JSP activities with other donors and to avoid repetition and overlap. The introductory meetings for January were the following:

Judicial Council President and Director of the Administrative Office. A second meeting was arranged for January 16 with Judge Aleksandra Zafirovska, president of the JC and also ex officio president of the Court Budget Council (CBC). Attending the meeting was Ms. Sylvija Janeska, director of the Administrative Office (AO) of the CBC, which comes under the umbrella of the JC. The purpose of the meeting was to ascertain what statistics were available to determine current staffing levels of the courts, as well as to inquire about case inventory information. The COP and DCOP inquired about the continued use of the satisfaction survey (known as Q-10) instituted in the courts under the previous projects. The last one was conducted in June 2011. Judge Zafirovska did not seem inclined to continue use of the Q-10, at the present time.

Discussion also involved the need for training of the CBC members and staff, as well as financial personnel in the individual courts. Both Judge Zafirovska and Ms. Janeska supported the idea of conducting training to assist the CBC and the courts to prepare need-based budgets with clear and concise justifications. The consensus was that the training should take place in May of this year.

A World Bank Analysis centered on improving organizational effectiveness of the Macedonian courts will be filed with the JC approximately in the middle of February. This analysis will be shared with the project, which is expected to implement the process of integrating cost-per-case calculations into need-based budget preparations. The JC is requesting that the process begins in March and be completed by about May.

A staffing study is needed and staffing guidelines prepared to further contribute to needs-based budgeting. All agreed that this is a valuable tool that should be implanted and made part of the court budget justifications. COP Traficanti will coordinate efforts with the HO next month to identify and select suitable consultants for the implementation of said study.

Chief Justice of the Republic of Macedonia, Jovo Vangelovski. The Chief Justice is also the president judge of the Supreme Court. Present for the meeting were the COP, DCOP, Sonja Gruevska, general secretary of the Supreme Court and president of the Court Service Council (CSC), Judge Emilija Ilievska, Judge Mirjana Radevska-Stefkova of the Supreme Court and Lidija Tanevska-Jadrovskaja, chief of cabinet of the Supreme Court. The chief judge was gracious in his greeting and expressed that he was looking forward to cooperation with the project. He suggested that a “working body” be formed which would be responsible for continued communications between the project and the Supreme Court. Presently, his priorities revolve around problems with service of process, including e-service and the difficulties that have arisen regarding electronic recording of court hearings. He advised that the courts will start using electronic recording but will, at least in the beginning, use the old system as back-up. Apparently, a number of the appellate judges are not in favor of listening to recordings and would rather read summaries typed by judges’ secretaries during hearings as in the past. Judge Vangelovski also believes that some additional equipment is needed. To tackle this problem JSP will need to survey and analyze the obstructions to full use of these devices and to recommend corrective action to ameliorate the shortcoming. Part of the problem may be with local legal culture having difficulty absorbing new technology. A program to demonstrate the vast benefits of electronic recording and its contribution towards transparency and trust and confidence may temper this.

The court staffing study was also discussed in this meeting. To adequately prepare a budget and to request new positions, the courts must accompany such requests with guidelines based on empirical data. Ms. Gruevska, president of the CSC, agreed, as did the chief judge. The planning for such a study will be prepared when permanent professional staff is engaged by the project.

The two judges present at the meeting with the chief justice were the outgoing and incoming liaisons between the Supreme Court and the Committee for Coordination of IT activities in courts including the ACCMIS program. They are open to discussing all issues regarding ACCMIS. Their assistance in inviting the full use of ACCMIS as a robust management tool could be a very useful resource.

Appellate Region President Judges. An introductory meeting was arranged between the COP, DCOP, COR and the president judges of three of the four appellate regions. Present were Judge Ljupka Arsenievska, president judge of the Appellate Court Skopje, Judge Danica Ristova, president of the Appellate Court Bitola and Judge Stojance Ribarev, president of the Appellate Court Stip. The president of Appellate Court Gostivar was not present since his mandate expired and an acting president judge has only recently been appointed, pending an official appointment. This meeting provided an excellent opportunity to convey to the judges the breadth and scope of the project and to brainstorm areas of possible collaboration. The judges were forthcoming in expressing their individual and collective support and their desire to cooperate in furthering the efficiency and effectiveness of the courts within their region and across the country. Of special importance to them was the expeditious resolution of cases and addressing backlog. They agreed to supply the project with statistical data regarding the courts’ inventories which is information presently being collected. Backlog assessment, they said, would be done after their January report since the transfer of enforcement cases, a key element in computing backlog, was theoretically completed on December 31, 2011. Another area of interest was ACCMIS connectivity with the higher courts to expedite appeals and to improve the exchange of decisions to assist judges with their adjudicative function.

The president judges reiterated the concern that JSP has heard by others regarding the difficulties that have arisen in the electronic recording initiative.

World Bank. Over the last two USAID projects –Macedonia Court Modernization Project and Judicial Reform Implementation Project– there has always been excellent cooperation and collaboration with the World Bank. The COR, DG Office Director, COP and DCOP met with Klaus Decker, Denis Boshkovski, and Beth Hoffman on January 17. They announced that the Functional Analysis for Improving Organizational Effectiveness of the Courts was being finalized and would be delivered in mid-February. After JSP receives a copy and analyzes the report, it will proceed to provide assistance to the judiciary in assuring that the benefits of such a study are realized in court management and especially in needs based budget preparation.

Ms. Hoffman is in Macedonia to assess the World Bank's support to Macedonia's justice system and its impact. Accordingly, much of the time was spent discussing the successful cooperation over several years.

Law on Mediation. COP and DCOP met with Dutch Expert Vesna Lazic on January 23. Ms. Lazic just started a one-year project to support implementation of the Law on Mediation. The local implementer of this project is the European Policy Institute, a newly formed CSO (February 2011) that seeks to raise awareness among the public and decision-makers around EU integration policies. Ms. Lazic was interested in JSP's involvement in justice sector reform and in discussing current problems and challenges in implementing laws in Macedonia. COP Traficanti gave an overview of JSP mandate and current activities. He informed Ms. Lazic of a quick and focused needs assessment the project will conduct of a number of professional associations that include the Chamber of Mediators. It was agreed that relevant results stemming from the assessment that pertain to the Chamber of Mediators will be shared with the Ms. Lazic.

III. INITIAL TASKS AND ACTIVITIES INFLUENCING RESULTS

While start-up activities were time consuming, the COP and DCOP turned their attention to initial programmatic activities. Summarized in Section 2 above is much of the background and preparation for working on the required results. The following sections will more fully enumerate activities leading to the programmatic mission and goals of the project.

Development of NGOs/CSOs list for possible JSP intervention. The December report described (and attached) the tentative list of NGOs/CSOs to be assessed. This list was further refined after discussions with partners and counterparts and with the COR. A revised list was developed which segregated those organizations and associations that would be eligible for JSP assistance after assessment and those that are potential JSP partner organizations and which therefore will not be a part of the assessment. Potential partner organizations include the Association for Emancipation, Solidarity and Equality; Center for Institutional Development; Macedonian Institute for Integration; World Learning Impact; and Macedonian Center for International Cooperation. (See Annex A)

Assessment of Associations and Organizations for Potential Intervention. It became apparent that an in-depth assessment, which includes not only screening the hierarchy of an organization, but a significant number of its membership, is beyond the resources of JSP. Instead, the project will conduct quick and focused needs assessments of 12 justice sector professional associations (PA) and civil society organizations (CSO) in order to determine their strengths and weaknesses and to identify potential areas ripe for

intervention. The report of the needs assessment will help JSP to select two to four recipients for its technical assistance.

Following the initial assessment phase, the project is expecting to implement a specific methodology and approach that will be used to conduct detailed performance assessment of two to four selected organizations in order to identify the performance gaps for each of the targeted organizations.

A RFQ was prepared and sent to potential organizations for the implementation of the needs and performance assessments during the last week of January with the due date for bids being February 8.

Reviewed Potential Assessment and Development Organizations. The COP and DCOP met with local organizations to ascertain which have capacity to conduct a wide-spread assessment of potential organizations in need of assistance. Interviews were conducted with Zoran Stojkovski of the Center for Institutional Development (CIRa) and Tanja Georgievska of World Learning Impact (WL Impact). Both organizations presented an extensive capacity building experience and thus were selected as potential partners for the project.

A meeting was also arranged with Zoran Janakiev of the Macedonian Institute for Integration. Mr. Janakiev conducted a tour of the Institute's premises which, when completed, will have an excellent training room including an array of audio and visual equipment. This space offers a potential training area for JSP for a larger number of trainees than can be accommodated at JSP offices. Discussion also revolved around the Institute's ability to assist organizations in drafting proposals for IPA funds. This Institute has previously conducted IT training for ACCMIS and remains a good resource for such training. Project Cycle Management is also within the training capabilities.

Other meetings. The DCOP also attended the first working group meeting for Civil Codification. Previous USAID project has worked with the issue of codification of the array of civil laws in Macedonia and the working group invited the DCOP **Error! Bookmark not defined.** to observe this first meeting of the working group.

IV. PROBLEMS AND REMEDIAL ACTIONS

As during the first month, the problems in the second month were minimal and all have been addressed and resolved.

V. SUMMARY OF ACTIVITIES PLANNED FOR FEBRUARY 2012

A summary of the activities planned for February follows:

- Finalize the First Year Work Plan
- Finalize the Project Management Plan with agreed upon indicators
- Complete the hiring process for Project Attorney and Court Administration Coordinator
- Conduct orientation for entire office staff once new employees have signed employment contracts
- Complete the procurement process for the retention of a local organization to conduct the assessment of the PAs and CSOs
- Assist retained local organization as needed

- Using the assessment results, select PAs/CSOs for:
 - Limited capacity building activities for identified needs and,
 - Being part of a broad based coalition of organizations to support and advocate for judicial independence
- Continue to accumulate English translations of the most recent versions of laws passed or amended since 2004
- Begin analysis of those laws and begin a comparative study with similar laws in the region
- Establish protocol in collaboration with the Academy for conducting a Training Needs Assessment for future training of judges and court administrators
- Conduct a rapid assessment of existing administrative and management systems in the court system
- Continue to accumulate statistical data on case filings, dispositions and backlogs by court and case type and prepare an in-depth analysis of the case data
- Prepare an action plan in consultation with appropriate partners including the four appellate region president judges
- Identify all issues outstanding with complete system-wide use of ACCMIS
- Obtain statistical data on numbers of court personnel by court and title and commence formation of an action plan for a staffing study and preparation of staffing guidelines
- Ascertain the extent of difficulties with electronic recording and, if an intervention is approved, create an action plan
- Meet with director of the Court Service Council and the Court Administration Association to gathering information to be utilized in ascertaining needs to improve the workforce (this meeting was held in abeyance pending new employees being hired)
- Planning and preparation for training of Court Budget Council members and finance staff in the courts identified as in need, including needs-based budgeting
- Develop a strategy, identify appropriate experts, and initiate support for development of a Differential Case Management System
- Identify potential consultants for the implementation of a court staffing study

VI. ANNEXES

Potential JSP Partner and Beneficiary Organizations				
Name of organization	Area of expertise	Contact person	Contact information	Web site
Professional Associations				
Macedonian Judges Association	law	Nikolco Nikolovski, SC justice	071 330 038	www.mja.org.mk
Macedonia Bar Association	law	Nenad Janicevic	070 245 353	www.mba.org.mk
Macedonian Young Lawyers Association	Free Legal Aid	Jasminka Brezovska	3220 870	www.myla.org.mk
Macedonian Lawyers Association (former Business lawyer's association)	Commercial law	Miladinova Danica	02 3131 084 070 313 809	www.mla.org.mk
Court Administration Organization	Court administration	Borce Mirceski	070 392 346	www.caa.org.mk
Public Prosecutor Association	Criminal law	Marko Zvrlevski	Private Number	www.zjorm.mk
Chamber of Enforcement Agent	Enforcement	Antonco Koshtanov	070 243 465	www.kirm.mk
Chamber of Public Notaries	law	Zorica Pulejkova	070 399 513	www.nkrm.org.mk
Chamber of Mediators	mediation	Zoran Petkovic _Bakli	070-685-130	
Civil Society Organizations				
Association for Emancipation, Solidarity and Equality	Women Human Rights, Public policy and Public health	Jasminka Friscik	070 254-256	www.esem.org.mk
All for Fair Trials	Human rights, election, fair trials	Nikolina Tenceva,project	2 3215263	www.all4fairtrials.org.m
Center for Civil Communication	Communications	German Filkov	070 254 776	www.ccc.org.mk
Center for Institutional Development	Capacity building	Zoran Stojkovski	070 248 209	www.cira.org.mk
Macedonian Institute for Integration	EU accession	Zoran Janakiev	070 253 422	www.macedonian-integration.eu

Potential JSP Partner and Beneficiary Organizations				
Name of organization	Area of expertise	Contact person	Contact information	Web site
WL Impact	Capacity building	Tanja Georgievska	3132-062	www.wl-impact.org
Macedonian Center for International Cooperation	Law	Sasho Klekovski	3088 945 3065 381	www.mcms.org.mk
European Law Student Association	law	Sanja Jovanovic	2 3117 244 ex. 158 070 306 121	www.elsa-rm.org.mk

* CSOs that are marked with a red font are JSP's potential partner organizations and will not be part of the upcoming assessment of potential JSP capacity building assistance beneficiaries.